

DELEGATE WAGANDT: Delegate Bothe, would this permit police departments to organize?

DELEGATE BOTHE: It would permit police departments to organize.

It would necessarily. It would not permit them to go beyond the point of organizing and bargaining collectively. In the event that there were no successful negotiations it would not go to any right to disrupt the activities of the policemen. I think that my answer is yes.

THE CHAIRMAN: Delegate Wagandt.

DELEGATE WAGANDT: In other words, the General Assembly could pass a law which would prohibit striking by policemen?

DELEGATE BOTHE: Oh, yes, if otherwise constitutional. I am not an authority on the constitutionality of labor injunctions, although I realize and I think we all know that there are situations in which the security and welfare of the State would be imperiled by disruption of work in which the injunction is a proper remedy and one which this right would not preclude.

THE CHAIRMAN: Delegate Wagandt.

DELEGATE WAGANDT: Do you know what the attitude of the Police Commissioner of Baltimore City is on the issue of organizing policemen?

DELEGATE BOTHE: The present Commissioner?

DELEGATE WAGANDT: Yes.

DELEGATE BOTHE: His predecessor, I was familiar with, but he has gone back to the militia. I do not know his attitude. I know what it ought to be.

THE CHAIRMAN: Delegate Hostetter.

DELEGATE HOSTETTER: The amendment I have before me states employees have the right to organize and bargain collectively through representatives of their own choosing.

Now, admittedly this is a bare bones amendment. Would it be possible for employees to organize and bargain without first joining a labor union?

DELEGATE BOTHE: It would be without first joining. Two or three employees could just get together for lunch and decide they want to organize without any labor union, as we understand it, being in the picture.

DELEGATE HOSTETTER: Am I to understand that the labor unions have nothing to do with this proposal?

DELEGATE BOTHE: The labor unions certainly have a deep interest in it. I might add, however, Delegate Hostetter, that organized labor has an unselfish interest in this matter because its basis is that those employees who are covered by the National Labor Relations Act, the ones who would get some practical effect out of this proposal, are not people with whom big labor has any interest. They already have the protection under federal law which would be extended here to others.

DELEGATE HOSTETTER: On page 2 of the Minority Report you equate collective rights with freedom of speech and freedom of assembly.

Now, you have stated, I believe, that collective rights are fundamental as would be freedom of speech.

May I ask you this question with respect to the organization? Would not an individual who had the freedom of speech also have the counter right not to speak?

DELEGATE BOTHE: I do not understand your question. Does he have the right to keep his mouth shut? I do not know if you would call that a right. The right is to do something affirmative. He would have to keep his mouth shut unless he had the right to open it.

THE CHAIRMAN: Delegate Hostetter.

DELEGATE HOSTETTER: The Sixth amendment of the federal Constitution entitles a person to testify in his own behalf but Article 5 of the present Constitution permits him to remain silent.

Getting back to the amendment with respect to the joining, would not a counter right be involved in organizing and bargaining, not to organize and bargain as a member or as a non-member?

DELEGATE BOTHE: You call it a right; I do not. I think that situation is implicit. We are not here trying to deal with the question of whether somebody does or does not have to join a labor organization. We are merely giving him the vehicle through which he can organize and through which he can expect a reception when he can get his fellow employees to cooperate with him. As to what happens in the event that the employer recognizes him and his co-workers and those co-workers desire everyone to share the burdens of collective bargaining we are not reaching that point in this proposal at all.